

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN RODRIGUEZ,

Defendant.

**CR-01-99-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on April 15, 2020. (Doc. 99.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 14, 2020. (Doc. 100.) The United States accused Rodriguez of violating his conditions of supervised release 1) by failing to report for substance abuse treatment; and 2) by using methamphetamine on two separate occasions. (Doc. 90.)

At the revocation hearing, Rodriguez admitted that he had violated a condition of his supervised release by 1) failing to report for substance abuse treatment; and 2) by using methamphetamine on April 4, 2020. Rodriguez denied alleged violation 3. (Doc. 100.) The Court dismissed alleged violation 3 on the government's motion. Judge Johnston found that Rodriguez's violations warranted revocation, and recommended that Rodriguez should receive a custodial sentence of 90 days of custody with credit for time served, with 29 months of supervised release to follow. (Doc. 99 at 4.)

The violations prove serious and warrant revocation of Rodriguez's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 99) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Shawn Rodriguez be incarcerated for a term of 90 days with credit for time served with 29 months of supervised release to follow. Rodriguez should serve up to the first 90 days of

supervised release at a secure inpatient substance abuse treatment center, as directed by his probation officer.

DATED this 29th day of April, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge  
United States District Court